

Division J of the *America COMPETES Act* versus the *U.S. Innovation and Competition Act*

Overview

While science, technology, engineering and mathematics (STEM) education and career supporting provisions are woven through both bills, this side-by-side compares the programs in Division J of the COMPETES Act, which authorizes a number of programs in the jurisdiction of the House Committee on Education and Labor, to their counterparts in the Senate-passed U.S. Innovation and Competition Act (USICA). Most programs have counterparts across both bills, with two important exceptions:

- The COMPETES Act adopts the National Apprenticeship Act, which is a comprehensive updating and expansion of the country’s apprenticeships program and which does not have a counterpart in USICA. The stand-alone bill upon which it’s based, the National Apprenticeship Act of 2021, introduced by Rep. Bobby Scott (D-VA), Chairman of the House Education and Labor Committee, passed the full House with the support of every House Democrat and 28 Republicans for a final vote of 247-173.
- Another important difference is the presence in USICA of a provision to make certain gifts to institutions of higher education from foreign persons a “covered transaction” reviewable by the Committee on Foreign Investment in the United States (CFIUS). There is no such provision in COMPETES.

| | HOUSE: America COMPETES Act | SENATE: USICA |
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| National Apprenticeship Act | ✓ | ✗ |
| Postsecondary STEM Pathways Grants | ✓ | ✓ |
| Improving Access to Computer Science | ✓ | ✓ |
| International Education Programs | ✓ | ✓ |
| Confucius Institutes | ✓ | ✓ |
| Truman and Madison Foundations | ✓ | ✓ |

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| | HOUSE: America COMPETES Act | SENATE: USICA |
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| Disclosure of Foreign Gifts and Contracts | ✓ | ✓ |
| CFIUS Review of Gifts from Foreign Persons | ✗ | ✓ |
| Telecommunications Workforce Training | ✓ | ✓ |

| | HOUSE: America COMPETES Act | SENATE: USICA |
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| National Apprenticeship Act | <p>Title I of Division J (Sections 90101 through 90104) incorporates the National Apprenticeship Act of 2021 (HR447), first introduced by Rep. Bobby Scott (D-VA), Chairman of the House Education and Labor Committee. It is a comprehensive bill to increase support for and access to the nation’s apprenticeship program.</p> <p>As incorporated into the COMPETES Act, the bill would, among other things:</p> <ul style="list-style-type: none"> • Authorize a grant program to support the creation or expansion of registered apprenticeships and encourage employer participation and recruitment for individuals with barriers to employment. • Ensure national consistency across state apprenticeship programs. • Codify and define the role of the Office of Apprenticeship within the Department of Labor. • Codify and define the role of State Apprenticeship Agencies. • Improve coordination between the Departments of Education and Labor with respect to apprenticeships. <p>The bill authorizes \$3.5 billion over five years—\$400 million in Fiscal Year (FY) 2023 increasing by \$100 million annually to reach \$800 million in FY27—for the apprenticeship programs established by the Act.</p> | No comparable provision. |

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| Postsecondary STEM Pathways Grants | <p>This section (Sec. 90201) authorizes a new competitive grant program operated by the U.S. Department of Education to support equitable access to postsecondary STEM pathways that expose students to high-quality STEM coursework, reduce college costs and improve postsecondary credit transfers. Pathways consist of a sequence of courses focused on STEM education that provide at least 12 credit hours toward a recognized postsecondary credential, and may include advanced coursework, a dual or concurrent enrollment program, or an early college high school program.</p> <p>Eligible entities include the state educational agency, one or more school districts, and the state’s public higher education system.</p> <p>Only “such sums as may be necessary” are authorized to carry out the new grant program.</p> | Similar to House bill (Sec. 6111) |
| Improving Access to Elementary and Secondary Computer Science | <p>This section (Sec. 90202) authorizes a new competitive grant program to improve the United States’ global competitiveness by increasing equitable access to computer science education and computational thinking skills. Under this new program, state educational agencies (SEAs) will be eligible to receive a grant and must subgrant at least 90 percent of grant funds to local educational agencies (LEAs), with priority given to high-poverty LEAs and LEAs that partner with Historically Black Colleges and Universities (HBCUs) or Minority Serving Institutions (MSIs).</p> <p>Grant funds will be used to: (1) develop and implement a data-driven plan to provide equitable</p> | Similar to House bill (Sec. 6112) |

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| | <p>access to computer science education and the development of computational thinking skills, particularly for students from groups that are underrepresented in computer science fields; (2) support and diversify the computer science educator workforce; (3) implement evidence-based instructional practices; and (4) expose students to computer science career pathways through the development of extracurricular opportunities, career exploration and advising opportunities, and high-quality work-based learning opportunities.</p> <p>Only “such sums as may be necessary” are authorized to carry out the new grant program.</p> | |
| Reauthorization of International Education Programs | <p>This section (Sec. 90301) reauthorizes the international education programs under Title VI of the Higher Education Act of 1965 (HEA) to increase and expand existing foreign language and area studies programs across the country; build international education capacity at minority-serving institutions; and promote opportunities for students and professionals to increase their knowledge of world regions, international business and over 200 foreign languages at all levels of higher education.</p> <p>This section authorizes \$208,059,000 for FY23 and “such sums as may be necessary for each of the 5 succeeding fiscal years.” (Sec. 90301)</p> | Similar to House bill. (Sec. 6121) |
| Confucius Institutes | <p>This section (Sec. 90302) creates new transparency requirements and protections related to Confucius Institutes. It would require the U.S. Department of Education, in collaboration with the National Academies of Science, Engineering and Medicine, to review Confucius Institutes to ensure</p> | <p>Identical to House bill. (Sec. 6122)</p> <p>In addition, the National Science Foundation (NSF) would be prohibited from providing funding to institutions of higher education that are under contract or in agreement with Confucius Institutes</p> |

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| | they protect academic freedom, and for institutions to post their agreements with Confucius Institutes publicly. Institutions that fail to comply would lose access to federal grants provided under the Higher Education Act of 1965, except for federal student aid under Title IV of the HEA. The section is only in effect through September 30, 2027. | unless a similar waiver protecting academic freedom at the institute from either the Department of Defense, Department of Education or National Science Foundation—in consultation with the National Academies of Sciences—is provided. This section is also only in effect for five years. (Sec. 2525) |
| Sustaining the Truman Foundation and the Madison Foundation | This section expands the investment authorities for the Truman Memorial Scholarship Fund and the James Madison Memorial Fellowship to ensure a greater return on investment. (Sec. 90303) | Identical to House bill. (Sec. 6123) |
| Disclosures of Foreign Gifts and Contracts at Institutions of Higher Education | <p>This section comprehensively updates requirements of institutional reporting of foreign gifts and contracts, by capturing additional foreign gifts and contracts received by institutions of higher education totaling more than \$100,000 in any given year and \$250,000 in three years.</p> <p>This section also requires additional disclosures for all restricted or conditional gifts from a foreign source.</p> <p>The Department of Education is authorized to impose fines on institutions that knowingly or willfully violate this section with harsher penalties reserved for repeat offenders.</p> <p>In addition, this section requires faculty and professional staff to disclose gifts or contracts valued at \$50,000 or more with foreign sources to their institution of higher education. The disclosure requirement for foreign faculty gifts applies to institutions of higher education that had more than \$50 million in federal science and engineering</p> | <p>This section (Sec. 6124) also updates the requirements for reporting foreign gifts and contracts, but sets a different threshold than the House bill for which gifts and contracts must be disclosed. The bill requires institutions of higher education to file a disclosure report with the Department of Education immediately following any calendar year in which the institution receives a gift from or enters into a contract with a foreign source that is \$50,000 or more in the course of that year.</p> <p>Like the House bill, this section also requires additional disclosures for all restricted or conditional gifts from a foreign source.</p> <p>Like the House bill, this section also authorizes to impose fines on institutions that knowingly or willfully violate this section with harsher penalties reserved for repeat offenders.</p> <p>Like the House bill, this section requires faculty and professional staff to disclose gifts or contracts from foreign sources, but there is no threshold for the</p> |

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| | funding in any of the previous five years. (Sec. 90304) | size of the gifts to which it applies. The disclosure requirement applies to “any gifts received from, or contracts entered into with, a foreign source.” The disclosure requirement for foreign faculty gifts applies to institutions of higher education that had more than \$5 million in research and development expenditures in any of the previous five years. |
| CFIUS Review of Certain Gifts from Foreign Persons to Institutions of Higher Education | No comparable provision. | USICA adds certain gifts to institutions of higher education to the list of “covered transactions” that CFIUS must review and may block. CFIUS must review gifts or contracts that institutions of higher education enter into with a foreign person that are greater than \$1 million or that are cumulatively more than \$1 million in two consecutive calendar years. The section also adds the Secretary of Education to CFIUS for the purpose of reviewing any covered transactions involving institutions of higher education. (Sec. 3138) |
| Telecommunications Workforce Training Grant Program | <p>This section (Sec. 90401) adopts the Improving Minority Participation and Careers in Telecommunications (IMPACT) Act (S996; no House companion) and establishes a telecommunications workforce training grant program.</p> <p>Grant recipients may use the funding to hire and train faculty, design and develop curricula, pay for instruction costs including equipment and laboratory space, fund scholarships, recruit students, and provide supportive services such as childcare and housing necessary for participants to complete the training program.</p> <p>Eligible entities for the grant program are HBCUs,</p> | <p>This section also adopts the IMPACT Act (S996), first introduced in the Senate by Sens. Wicker (R-MS), Sinema (D-AZ), Scott (R-SC) and Warnock (D-GA). Most of its provisions are similar to the version included in the COMPETES Act, though there are some minor differences.</p> <p>USICA allows funds to be used for the same activities as in COMPETES, with the exception that it does not allow grant funds to cover supportive services like childcare and housing necessary for participants to complete the training program.</p> <p>Like COMPETES, eligible entities for the grant program are HBCUs, tribal colleges and universities, MSIs, or a consortia of these entities</p> |

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| | <p>tribal colleges and universities, MSIs, or a consortia of these entities that forms a partnership with one or more telecommunications industry partners to carry out the training program.</p> <p>The program authorized in this section would be administered by the Department of Labor in coordination with the Office of Minority Broadband Initiatives in the Department of Commerce.</p> <p>This section authorizes the appropriation of \$100 million for each FY23 through FY28.</p> | <p>that forms a partnership with one or more telecommunications industry partners to carry out the training program.</p> <p>Unlike COMPETES, the program in USICA would be administered by the Assistant Secretary of Commerce for Communication and Information “acting through the Office of Minority Broadband Initiatives.”</p> <p>Like COMPETES, USICA authorizes \$100 million for five fiscal years.</p> |

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